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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,866	06/27/2003	Barry Pears	0275R-000719	7120
27572	7590	04/17/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			SPISICH, MARK	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/607,866

Applicant(s)

PEARS ET AL.

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 17, 18, 20-22, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 11-16, 19, 23 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: "2" (paragraph 0031, line 16) should be – 12 --.

Appropriate correction is required.

### ***Comment RE Claims 22 and 23***

As claim 21 is drawn to a "tool" and not particularly a cleaning tool), the preamble of claim 22 should instead be "The tool of claim 21". Also, it would appear that claim 23 should instead depend from claim 21 (as opposed to claim 17) as it currently is a mere duplicate of claim 19.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1–9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Said unlocked position" (claim 1, lines 13-14) lacks antecedent. "Flanges" (claim 5, line 2) lacks antecedent. Claim 5 should instead depend from claim 4. "Flanges" (claim 6, line 1) lacks antecedent. Applicant should review the claims for any additional informalities.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1744

4. Claims 1,8 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Crabtree (USP 6,360,402). The patent to Crabtree discloses a tool (at least in the broadest sense of the term) comprising a housing (58) and a graspable portion (56) and further including a clamp-on extension handle (100) comprising a main body having first and second (22,24) portions hinged to each other and a manual locking element (18,21) for holding the portions in a locked position.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crabtree (USP 6,360,402). The patent to Crabtree discloses a man portion portion including first and second (22,24) portions coupled with a hinge (32). The patent to Crabtree discloses the invention substantially as claimed with the exception of the "living hinge". The provision of a living hinge to couple the two portions would be obvious to one of ordinary skill for the purpose of limiting the number of parts and providing for ease of manufacture.

7. Claims 1,2,3,8,9,10,17,18,20,21,22,24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castellon (USP 6,434,774) in view of Brown (USP 1,083,054). The patent to Castellon discloses a cleaning device (10) comprising a "housing" (30) with a "graspable portion" and further including an auxiliary handle (27)

Art Unit: 1744

secured to a portion of the housing. The patent to Castellon discloses the invention substantially as claimed with the exception of the particular manner of securing the handle. The patent to Brown discloses the securing of an auxiliary handle to the handle (11) of a device and which includes a main body (B) comprising first and second (12,13) coupled with a hinge and associated with a "sliding" locking member (15) to clamp the handle (21,22) in place on the tool. With regard to the broad recitation of the locking element sliding, the member (15) would be capable of some linear movement and as such would be sliding insofar as the claims define the movement. It would have been obvious to one of ordinary skill to have modified the device of Castellon as such as it is shown to be an art-recognized equivalent means for releasably securing a handle to a tool. The use of a living hinge between the two portions would be obvious for much the same reason(s) set forth above. The patent to Brown discloses means (16) to help retain the main body and to restrain movement about the axis of the housing. The structure of claim 9 would be recognized by one of ordinary skill as being equivalent to that of Brown.

***Allowable Subject Matter***

8. Claims 4-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 11-16,19,23 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 1744

10. **SUGGESTION:** In addition to (or instead of) the particular language of the above dependent claims, it is suggested that each of the claims recite that the first and second portions (1) are hingedly coupled to one another about an axis; and (2) that the locking element is slidably moveable and further wherein the locking element is adapted for movement in a direction generally parallel to the axis about which the first and second portions are hinged.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents are pertinent to extension handles or at least auxiliary handles for attachment to tools/implements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich  
Primary Examiner  
Art Unit 1744

MS